IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4673 OF 2004
IN
CRIMINAL APPEAL NO.312 OF 2001

Jania Kakad Vasavda — Applicant (Original accused)

vs.

The Administration of U.T. of Dadra and Nagar Haveli — Respondent

Mr.C.M. Kothari for the applicant.

Mr. R.M. Agarwal, Public Prosecutor for the respondent.

CORAM : R. M. LODHA & R. S. MOHITE,JJ.

DATED : 17th January 2005

P.C.

Heard Mr.C.M. Kothari, the learned counsel for the applicant (for short, 'the accused') and Mr.R.M. Agarwal, the learned Public Prosecutor for the respondent.

2. The conviction of the accused for the offence punishable under Section 302 IPC is based on direct evidence of PW 1-Sonia, PW 2-Barakia, PW 4-Jatia and PW 6-Sakri. PW 1, PW 2 and PW 4 are the real brothers of the accused and PW 6 is the wife of PW 4. The accusation against the accused is that he committed murder of his mother. At this stage, it cannot be said that the conviction of the accused is based on no legal

evidence.

3. No case for grant of bail is made out.

4. Criminal application is rejected.

5. Liberty to apply for hearing of Criminal Appeal after six months.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)